

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 2 and 4 have been amended to limit the switching control means to one for electrically controlling the driving power transmission device to switch the drive mode from a two-wheel drive mode to a four-wheel drive mode.

According to a feature of the invention, a gradual switching control means gradually changes the present torque to a target torque, when switching the drive mode from a two-wheel drive mode to a four-wheel drive mode, only when the difference between the present and target torques is more than a predetermined value, e.g., as shown in steps S104 and S212. This has the advantage of minimizing torque shock when switching from the two-wheel drive mode to the four-wheel drive mode (page 3, lines 21-26).

Claims 2 and 3 were again rejected under 35 U.S.C. § 102 as being anticipated by Glab et al. However Glab et al. is directed to a system for controlling a transfer case clutch assembly during a torque *release* strategy, i.e., during release from four wheel drive to two wheel drive, in order to minimize cycling or slipping of the clutch (col. 1, lines 10-11 and 31-50). It incorporates a start delay period when the clutch duty cycle falls below a slip torque threshold in order to ensure that the clutch is released in a smooth manner (col. 5, lines 10-15; col. 7, lines 8-14).

It is apparent that the amended claims define over Glab et al. Glab et al. is directed to a system for controlling a transfer case clutch assembly during a torque release strategy, which is characteristic of switching from four wheel drive to two wheel drive – not a means to “switch the drive mode of said vehicle selectively from a two-wheel drive mode to a four-wheel drive mode.” Additionally, it would not have been obvious for one skilled in the art to have adapted the torque release strategy of Glab et al. to incorporate “switching control means for electrically controlling said driving power transmission device to switch the drive mode

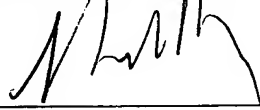
of said vehicle selectively from a two-wheel drive mode to a four-wheel drive mode” since switching from a two-wheel drive mode to a four-wheel drive mode involves torque application at the clutch – the opposite of what is disclosed in Glab et al.

Claims 4, 5, 7 and 8 were again rejected under 35 U.S.C. § 103 as being obvious over Takahashi et al in view of Glab et al. Claim 4 now also recites “switching control means for electrically controlling said driving power transmission device to switch the drive mode of said vehicle selectively from a two-wheel drive mode to a four-wheel drive mode.” Glab et al is thus incapable of motivating one skilled in the art to modify Takahashi et al to incorporate this feature, for the reasons set forth above. Claims 4, 5, 7 and 8 therefore define over any combination of the above references.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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